

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION**

KIMBERLY DENISE MCCRAY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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CASE NO. 4:18-CV-206-CDL-MSH

**ORDER**

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the Defendant's request to remand, with Plaintiff's consent, this case is hereby remanded. Remand is appropriate in this case because the Appeals Council did not properly evaluate whether Plaintiff demonstrated good cause for not timely requesting review of the Administrative Law Judge's decision issued on March 30, 2016.

On remand, the Appeals Council shall further evaluate the claimant's good cause based on the circumstances of the case in accordance with HALLEX I-3-1-1.

Accordingly, this Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. *See Shalala v. Schaefer*, 509 U.S. 292 (1993); *Melkonyan v. Sullivan*,

501 U.S. 89 (1991). The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this **15th** day of **May, 2019**.

/s/Clay D. Land  
CLAY D. LAND, CHIEF  
UNITED STATES DISTRICT JUDGE